IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 18241 of 1995

Between:

Komarina Veerraju s/o. Sri Satyam
r/o. Vella, Ramachandrapuram Mandal,
East Godavari Dist.

..... PETITIONER

AND

1.The State of A.P.. rep. Principal Secretary to Govt. Agriculture &

Co-operation Dept. Secretariat,
Saifabad, Hyderabad.
2 The Commissioner for Co-operation & Registrar of Co-operative Societies, Govt..
of A.P. Gruhakalpa Buildings, M.J.Road, Hyderabad
3 The District Collector & Election Authority
East Godavari Dist. Kakinada,
4 The District Co-operative Officer
Kakinada.
5 The Vella Primary Agricultural Co-op. Society
Vella, Ramachandrapuram,
East Godavari Dist..

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more particularly one in the nature of writ of Mandamus, declaring the section 21-A(1-B) of the A.P. Co-Op. society Act as Unconstitutional or in the alternative declare that the same has no application to the case of President elected directly by the General Body of the Co-op. society and Consequently direct the respondents to allow the writ petitioner to continue to hold the office of the President of the 5th respondent society.

Counsel for the Petitioner:MR. NOOTY RAMA MOHAN RAO

Counsel for the Respondents: GP FOR COOPERATION

The Court made the following :

ORAL ORDER:

This writ petition is filed to declare Section 21-A(1-B) of the A.P. Cooperative Societies Act as unconstitutional and has no application to the President elected directly by the General Body of the 5t h respondent - Cooperative Society and consequently to direct the respondents to allow the petitioner to continue to hold the office of the 5th respondent – Society.

The case of the petitioner is that he was elected as President of the 5th respondent – society and also as Member of the Ramachandrapuram Mandal Parishad. The grievance of the petitioner is that In view of introduction of Sub-sections 14 and 1 B in the Cooperative Societies Act by way of A.P. Act 4 of 1995, an objection was raised as to continue the petitioner to function in dual capacity. Hence, this writ petition.

While admitting the writ petition, this court directed the respondents to continue the petitioner to function in dual capacity, pending further orders.

When the matter came up today for hearing, none appears for the petitioners as well as the respondents.

Since the matter relates to the elections to the Cooperative Society and Mandal Parishad held in the year 1995, I am of the view that the petitioner does not have any grievance still subsisting, after lapse of eight years.

Therefore, the writ petition is dismissed as having become infructuous. No costs.

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9-9-2004

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To

1 The Principal Secretary to Govt, Agriculture & Co-operation Dept, The State of A.P, Secretariat, Saifabad, Hyderabad..
2 The Commissioner for Co-operation & Registrar of Co-operative Societies, Govt.. Of A.P. Gruhakalpa Buildings, M.J..Road,

Hyderabad
3 The District Collector & Election Authority
East Godavari Dist. Kakinada,
4 The District Co-operative Officer
Kakinada.
5 The Vella Primary Agricultural Co-op. Society
Vella, Ramachandrapuram,
East Goavari Dist.

6. 2 ccs to G.P.. for Cooperation, A.P. High Court Buildings(OUT)

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